

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No.	8:24-cv-01865-FWS-ADS	Date	January 10, 2025
Title	HydraFacial LLC et al v. eMIRAmEd USA LLC et al		

Present: The Honorable FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE

Rolls Royce Paschal

Deputy Clerk

Not Reported

Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR  
LACK OF PROSECUTION AS TO DEFENDANT EMIRAMED USA  
LLC**

“[I]t is the plaintiff’s responsibility to move a case toward a merits disposition.” *Thomas v. Kernan*, 2019 WL 8888200, at \*1 (C.D. Cal. July 10, 2019) (citing *Morris v. Morgan Stanley & Co.*, 942 F.2d 648, 652 (9th Cir. 1991)). That includes, where applicable, promptly (a) filing stipulations extending a defendant’s time to respond to the complaint, (b) pursuing default and remedies under Federal Rule of Civil Procedure 55 when a defendant fails to timely respond to the complaint, or (c) dismissing a case the plaintiff has chosen not to pursue for any reason.

Here, Plaintiff has filed a proof of service, yet the deadline for Defendant to respond to the Complaint has passed and Plaintiff has taken no action. Accordingly, the court, on its own motion, hereby **ORDERS** Plaintiff to show cause in writing, no later than **January 14, 2025**, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, the Court will consider as an appropriate response to this OSC the filing of one of the following on or before the above date:

1. Plaintiff’s Request for Entry of Default as to the Defendant or Defendant’s Answer,
2. A stipulation extending Defendant’s time to respond to the Complaint that complies with Local Rule 8.3, or
3. A notice of Voluntary Dismissal (Fed. R. Civ. P. 41) as to the Defendant.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a timely and appropriate response. Failure to file a timely and appropriate response to this Order may result in dismissal without further notice or order from the court. See Fed. R. Civ. P. 41(b); L. R. 41-6; *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.”); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d

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683, 689 (9th Cir. 2005) (“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) (“It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution.”).

Initial of Deputy Clerk         -        :        -          
rrp